

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAIME ANN ZOROYA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 07-456
)	
OFFICER HILLIARD,)	Judge Lancaster
JOSEPH J. POPOVICH,)	Magistrate Judge Hay
WEST MIFFLIN,)	
)	
Defendants.)	

MEMORANDUM ORDER

On April 9, 2007, this case was referred to United States Magistrate Judge Amy Reynolds Hay for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On January 10, 2008 the Magistrate Judge issued a Report and Recommendation (Doc. 9) recommending that the District Court grant the Defendants' Motion to Dismiss (Doc. 3) pursuant to Fed. R. Civ. 12(b)(6).

Service of the Report and Recommendation was made on the parties. In lieu of filing objections, the Plaintiff filed a Motion to Amend/Correct the Complaint (Doc. 10) on January 22, 2008, attaching an Amended Complaint as an exhibit. Because, pursuant to Fed. R. Civ. P. 15(a), the Plaintiff is permitted to amend her Complaint once as of course under the circumstances of this case, an Order [Doc. 11] was entered denying the Motion as unnecessary and ordering the filing of the Amended Complaint.

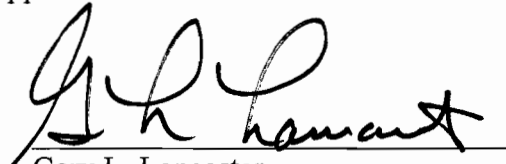
Although the Amended Complaint contains minimal factual detail, the new matter does not provide support for the constitutional claims alleged. Therefore, the Court's findings with

respect to the Amended Complaint are identical to those articulated in the Report and Recommendation addressing the original Complaint - the Plaintiff has failed to allege facts sufficient to state a constitutional claim that is plausible on its face. See Bell Atlantic v. Twombly, 127 S.Ct. 1955 (2007).

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 24th day of January, 2008, IT IS HEREBY ORDERED that the Defendant's Motion to Dismiss [3] is **GRANTED**, and that the Plaintiff's Amended Complaint [10-2] is dismissed as well.

The Report and Recommendation of Magistrate Judge Hay dated January 10, 2008, is hereby adopted as the opinion of the Court as supplemented herein.



Gary L. Lancaster
United States District Judge

cc: Hon. Amy Reynolds Hay
United States Magistrate Judge

All counsel of record by Notice of Electronic Filing